

Our File No. TAR-260-CM  
Attorney Id. No.: 050371991  
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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

BRITTANY BAILEY

Plaintiffs,

-vs-

TARGET CORPORATION and JOHN  
DOES 1-10 & ABC CORPORATIONS:1-10:

Defendants

CIVIL ACTION NO. 2:21-cv-15951

**PETITION FOR REMOVAL**

Petitioners, Target Corporation by its attorneys, Fishman McIntyre Levine Samansky, P.C., respectfully petitions the United States District Court for the District of New Jersey as follows:

1. Target Corporation first received a copy of the Complaint on or about July 26, 2021 through its' registered agent.
2. This case was commenced on July 21, 2021 in the Superior Court of New Jersey, Law Division, Morris County. Suit is identified in the Superior Court as Bailey v. Target Corporation, Docket No. L-1597-20. (See Exhibit A)
3. The filing of this Petition for Removal is timely because it is filed within thirty days of the date Target Corporation first received notice of the lawsuit.

4. The plaintiff's Complaint in the Superior Court of New Jersey, Law Division, Morris County, asserts damages of a non-specified amount. Plaintiff, Brittany Bailey, alleges she was injured due to a negligent, careless and reckless manner by defendants. As such, Target Corporation, believes the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Target Corporation is informed and believes that Plaintiff, Brittany Bailey, is an individual citizen of the State of New Jersey. Defendant/petitioner, Target Corporation is incorporated in the State of Minnesota and its principal place of business is in the State of Minnesota. The action is therefore between citizens and a corporation of other states.

6. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441.

7. Based on the allegations in the complaint, and in view of the fact the sole responsibility for maintaining the store rests with Target Corporation, we believe there is a valid basis for filing a Petition of Removal.

WHEREFORE, Petitioner, Target Corporation, defendant in the action described herein, which is currently pending in the Superior Court of the State of New Jersey, Law Division, Morris County, Docket No. L-1597-21, prays that this action be removed therefrom to this Court.

DATED: August 24, 2021

Target Corporation

BY: Christopher E. McIntyre

Christopher E. McIntyre, Esq.

I certify that a true copy of the Complaint filed in the Superior Court of the State of New Jersey, County of Morris, along with a copy of the Summons issued to this defendant, is annexed hereto as Exhibit A.

BY: Christopher E. McIntyre

Christopher E. McIntyre, Esq.

# EXHIBIT A

DUNNE, DUNNE & COHEN, LLC  
F.R. "Chip" Dunne, III, Esq. – 008042009  
683 Kearny Avenue  
Kearny, New Jersey 07032  
(201) 998-2727  
Attorneys for Plaintiff

BRITTANY BAILEY

Plaintiff,

Vs.

TARGET CORPORATION and  
JOHD DOES 1-10, ABC  
CORPORATIONS 1-10

Defendants

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MORRIS COUNTY  
DOCKET NO:

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiff, Brittany Bailey, by and through her undersigned Counsel via Complaint against the Defendants herein says:

**FIRST COUNT**

1. On or about July 21, 2019, Plaintiff, Brittany Bailey, was a legal business invitee on the premises of Target Corporation (herein after Target), located at 130 NJ-10 Ste 1, East Hanover, NJ 07936.
2. Target is a Minnesota Corporation conducting business in the State of New Jersey.
3. Defendants ABC Corporations 1-10 are fictitious entities currently unknown to the Plaintiff that may have had a duty and or responsibility to maintain the premises in a safe condition, such as vendors, consultants, and/or maintenance/display companies.
4. At all times mentioned herein, Defendants, their agents and servants, had custody and control of the premises and owed a duty to the Plaintiff to maintain said premises in a reasonable and safe condition for the use of persons lawfully thereon.

5. Defendants, their agents and servants, breached the warranties to the Plaintiff, Brittany Bailey, that the premises would be safe for her use.

6. Defendants, their agents and servants, were negligent in that they created, maintained and allowed a hazardous condition to exist on said premises, failed to exercise reasonable care to keep the premises safe; and further maintained a nuisance by allowing a product box to fall onto the Plaintiff, striking her in the head resulting in severe and permanent injuries.

7. As a direct and proximate result of the negligence of the aforesaid Defendants, the Plaintiff, Brittany Bailey, was caused to sustain serious permanent injuries, both internal and external; suffered great pain and will in the future continue to suffer great pain; was compelled to and will in the future be compelled to incur medical expense and to expend large sums of money for payment of said medical expense; has lost time from her occupation and will in the future continue to be caused to lose time from her occupational was prevented from and will in the future be prevented from performing and/or engaging in her activities and lifestyles; and sustained such other damages that will be ascertained through the discovery process and at the time of trial.

**WHEREFORE**, Plaintiff, Brittany Bailey, demands judgment against Defendants, Target, their agents and servants, jointly, severally, or in the alternative for damages, interest, costs of suit, and any such other relief that may be deemed necessary by the Court.

DUNNE, DUNNE & COHEN, LLC

Dated:

BY:

\_\_\_\_\_  
F.R. "Chip" Dunne, III, Esq.  
Attorney for Plaintiff

**DEMAND FOR TRIAL BY JURY**

Plaintiff(s) hereby demand a trial by jury as to all issues raised in this Complaint.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, F.R. "Chip" Dunne, III, Esq., is hereby designated as trial counsel on behalf of the Plaintiff.

**CERTIFICATION PURSUANT TO RULE 4:5-1**

I certify that, pursuant to R. 4:5-1, to my knowledge, and based on the information available to me at this time, the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding and that no additional parties are known at this time that should be added.

**DEMAND FOR ANSWERS TO INTERROGATORIES**

Demand is hereby made by the Plaintiff for the Defendants to answer Form C and Form C (3) Interrogatories.

DUNNE, DUNNE & COHEN, LLC

Dated:

BY:

\_\_\_\_\_  
F.R. "CHIP" DUNNE, III, ESQ.  
Attorney for Plaintiff

## Civil Case Information Statement

### Case Details: MORRIS | Civil Part Docket# L-001597-21

**Case Caption:** BAILEY BRITTANY VS TARGET CORPORATION  
**Case Initiation Date:** 07/21/2021  
**Attorney Name:** FREDERICK RICHARD DUNNE III  
**Firm Name:** DUNNE DUNNE & COHEN LLC  
**Address:** 683 KEARNY AVE  
KEARNY NJ 07032  
**Phone:** 2019982727  
**Name of Party:** PLAINTIFF : Bailey, Brittany  
**Name of Defendant's Primary Insurance Company**  
(If known): None

**Case Type:** PERSONAL INJURY  
**Document Type:** Complaint with Jury Demand  
**Jury Demand:** YES - 6 JURORS  
**Is this a professional malpractice case?** NO  
**Related cases pending:** NO  
**If yes, list docket numbers:**  
**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO  
**Are sexual abuse claims alleged by: Brittany Bailey?** NO

### THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category: Putative Class Action?** NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

07/21/2021  
Dated

/s/ FREDERICK RICHARD DUNNE III  
Signed